

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ARMAND PANLASIGUI ABAYA,	)	
	)	
Plaintiff,	)	
	)	No. 08 C 1337
v.	)	
	)	
MICHAEL CHERTOFF, Secretary,	)	Judge Kennelly
Department of Homeland Security, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MOTION TO DISMISS FOR LACK  
OF SUBJECT MATTER JURISDICTION**

Defendants, by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, move pursuant to Federal Rule of Civil Procedure 12(b)(1) to dismiss the complaint for lack of subject matter jurisdiction. The basis for the motion is set forth in the accompanying memorandum of law.

Respectfully submitted,

PATRICK J. FITZGERALD  
United States Attorney

By: s/ James M. Kuhn, Sr.  
JAMES M. KUHN, SR.  
Assistant United States Attorney  
219 South Dearborn, Room 500  
Chicago, Illinois 60604  
(312) 353-1877  
james.kuhn @ usdoj.gov